

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

FRANCES SPURLOCK AND JEFFREY	)	
SPURLOCK, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:09-CV-00756
	)	
DAVID FOX, <u>et al.</u> ,	)	Judge Wiseman
	)	
Defendants.	)	

**AFFIDAVIT OF MARSHA WARDEN**

Marsha Warden hereby swears and affirms under the penalties of perjury the following:

1. I am over the age of 18 and have direct knowledge of the matters stated herein.
2. I am the former Chair of the Metropolitan Nashville Board of Public Education (“Board”). I left my position as Chair of the Board on August 25, 2008. I was the Chair of the Board when the Board adopted a district rezoning plan in July of 2008.
3. I was the Chair of the Board when Dr. Pedro Garcia left his employment as the Director of Metropolitan Nashville Public Schools (“MNPS”) in January of 2008. At the January 19, 2008 Board meeting, the Board approved and adopted Dr. Garcia’s severance package.
4. I never told Dr. Garcia that we needed to remove African-American students from the Hillwood cluster.
5. I never told Dr. Garcia that I had received significant pressure from the Hillwood cluster parents to remove African-American students from that cluster.
6. I never exerted any pressure on Dr. Garcia or anyone on the Board to institute a district rezoning plan for the purpose of removing African-American students from the Hillwood cluster or any district cluster.

7. I never told Dr. Garcia that the goal of the district rezoning plan was to remove African-American students from the Hillwood cluster. The rezoning plan that the Board adopted in July of 2008 was not adopted for the purpose of removing students from any cluster on the basis of their race.

8. I have never desired to remove students from the Hillwood cluster on the basis of their race. And my support for the district rezoning plan was not in any way based upon a desire to remove African-American students from the Hillwood cluster.

9. I never told Dr. Garcia that the goal of the district rezoning plan was to move African-American students out of predominantly Caucasian-neighborhoods in hopes that parents of Caucasian students would move their children back into Metro schools.

10. My son is currently a student at Hillsboro High School. He did not receive all of his textbooks immediately upon beginning the school year. As of last week, he was still in the process of receiving some books and had not yet received all of them.

FURTHER, AFFIANT SAITH NOT.

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Marsha Warden<sup>1</sup>

Sworn to and subscribed to before me, a Notary Public, this \_\_\_\_ day of \_\_\_\_\_ 2009.

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NOTARY PUBLIC

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<sup>1</sup> Due to the emergency nature of this proceeding and the time constraints related to filing documents prior to the scheduled hearing, Ms. Warden was unable to physically sign the affidavit prior to filing. He has, however, reviewed and approved its contents and submitted the attached documents to counsel. An executed copy of this affidavit will be filed and substituted as soon as possible and in any even no later than following the conclusion of the hearing, which Ms. Warden will be attending.

My Commission Expires:

THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
Sue B. Cain, #9380, Director of Law

s/Keli J. Oliver  
James L. Charles, # 9007  
James W.J. Farrar, #22782  
Keli J. Oliver, #21023  
Kevin C. Klein, #22301  
Allison L. Bussell, #23538  
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(615) 862-6341

**Certificate Of Service**

I hereby certify that a copy of the foregoing has been sent via the CM/ECF electronic filing system, on this 1<sup>st</sup> day of September, 2009 to:

Larry D. Woods  
Allen N. Woods II  
707 18<sup>th</sup> Avenue South, Ste. 9  
P.O. Box 128498  
Nashville, TN 37212

s/ Keli J. Oliver  
Keli J. Oliver